

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

DJ MANUFACTURING CORPORATION	:	
	:	CIVIL NO. 97-1457 JAG
Plaintiff	:	
	:	
v	:	ABOUT: ANTITRUST, DAMAGES
	:	
TEX-SHIELD, INC., et al	:	JURY TRIAL DEMANDED
	:	
Defendants	:	
	:	

OPPOSITION TO "URGENT MOTION TO COMPEL DEPOSITION IN AID OF
EXECUTION OF JUDGMENT, AND FOR SANCTIONS"

TO THE HONORABLE COURT:

Comes now Plaintiff, DJ Manufacturing Corp. (hereinafter "DJM" or "Plaintiff") and respectfully states and prays:

1. On November 18, 2004, defendant filed an Urgent Motion to Compel Deposition in Aid of Execution of Judgment, and for Sanctions, requesting that this Honorable Court issues an order compelling the deposition of plaintiff, the production of certain documents in aid of execution of judgment, and the imposition of all costs and attorneys fees against the appearing party.

2. The appearing party respectfully submits that defendant's request must be denied on the following grounds:

a. A Notice of Appeal was filed in this case, and as advanced in plaintiff's motin for extension of time, the

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process of obtaining a supersedeas bond is almost complete.

- b. Defendant's discovery request are directed to aiding the execution of the judgment which is subject of appeal.
- c. The day before plaintiff's scheduled deposition, the undersigned contacted defendant's counsel to cancel said deposition, advanced the fact that a Notice of Appeal was to be filed, and that it had initiated the process with its insurance carrier to obtain a supersedeas bond, which would stay the execution of the Judgment entered, and which would render defendant's request moot.
- d. In fact, the process of obtaining the supersedeas bond is almost complete, and we expect to file it within the next days. Accordingly, it is respectfully submitted that plaintiff's deposition and production of documents should be stayed until the appellate proceeding is completed, and that the request for imposition of costs and attorneys fees is improper, as there has been no "vexatious multiplication of the proceedings", as alleged by defendant, but rather, counsel for defendant consented to the cancellation of the deposition the day before it was scheduled without objection.

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WHEREFORE, Plaintiff DJ Manufacturing Corp. respectfully prays from this Honorable Court that the Urgent Motion to Compel Deposition in Aid of Execution of Judgment, and for Sanctions filed by defendant be denied, and accordingly, that this motion be granted.

RESPECTFULLY SUBMITTED.

IT IS CERTIFIED that a true copy of the foregoing motion was filed on this same date, via electronic filing, with the USDC, and that copy hereof will be electronically served by the USDC electronic filing system directly upon the parties.

In San Juan, Puerto Rico, this 24th day of November, 2004.

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